

REMARKS

Claims 1, 3, 5-8, 10, 12-14, 16 and 18-24 are pending in this application. Claims 22-24 have been withdrawn from consideration. Favorable reconsideration of this application in light of the following remarks is respectfully requested.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102

Claims 1, 3, 5-8, 10, 12-14, 16, and 18-21 stand rejected under 35 U.S.C. § 102(e) as anticipated by Killion et al. (U.S. Patent No. 6,151,399, herein Killion). The Applicant respectfully traverses this rejection for the reasons detailed below.

Independent claims 1 and 8 recite a directional microphone assembly and a hearing aid, respectfully, including a means for transporting sound, “wherein an inner diameter of the hollow transporting means **are dimensioned in such a way that a frequency response of the transporting means are optimized.**” As detailed in the following discussion, the Applicant respectfully submits that Killion fails to disclose, teach or suggest at least the above-identified feature of independent claims 1 and 8.

Killion is directed to a directional microphone system providing sufficient damping by adding a second novel acoustic damping resistor to the front and rear of the microphone and adjusting the combination of damping resistors to produce a proper difference in time delays between the front acoustic delay and the rear acoustic delay.”¹ Accordingly, Killion is focused on solving problems relating to time delays and the addition of a second resistor.

The Office Action mailed October 31, 2005 asserts the following with respect to the above-emphasized feature of independent claims 1 and 8.

In **column 9, lines 65-66 – column 10, line 3** Killion teaches that passages **185, 186 and 187** may be chosen to duplicate at acoustic properties of tubes **85 and 86** of **figure 3**, reading on “the hollow transporting means are dimensioned”; and further teaches combining said passages **185, 186 and 187**,

¹ Killion, Column 5, line 7-18.

with specific acoustic resistances, such that the desired frequency response may be obtained, which reads on “in such a way that a frequency response of the transporting means are optimized.”

However column 9, line 65 – column 10, line 3 of Killion states “the front sound passage 186 and rear sound passage 185 plus 187 can be chosen to duplicate the acoustic properties of tubes 85 and 86 of FIG. 3, so that similar acoustic resistors may be used to provide the desired response and polar plots.” (emphasis added) Accordingly, Applicant respectfully submit that the cited portion of Killion merely describes that acoustic resistors may be used to provide a desired response and polar plots.

Accordingly, Applicant respectfully submit that Killion does not disclose, teach or suggest that “the inner diameters of the hollow transporting means are dimensioned in such a way that the frequency response of the transporting means are optimized,” as recited in independent claims 1 and 8.

Claims 3, 5-7, 10, 12, 13, 20, and 21 depend from independent claims 1 and 8, and therefore include the features of claims 1 and 8.

Therefore, in light of the above discussion, Applicant respectfully requests that the rejection of Claims 1, 3, 5-8, 10, 12-14, 16 and 18-21 under 35 U.S.C. §102(e) be withdrawn.

CONCLUSION

Accordingly, in view of the above amendments to the claims, reconsideration of the objections and rejections and allowance of each of claims 1, 3, 5-8, 10, 12-14, 16, and 18-21 in connection with the present application is earnestly solicited.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a two (2) month extension of time for filing a reply to the outstanding Office Action and submit the required \$450.00 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John A. Castellano at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNES, DICKEY, & PIERCE, P.L.C.

By

John A. Castellano, Reg. No. 35,094

P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

JAC/SAE/pw